

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL SAUNDERS, on behalf of himself and
all others similarly situated,

Case No. 24-8454

Plaintiff,

v.

DEVILS LETTUCE NY, LLC

Defendant.

**DEVILS LETTUCE NY, LLC'S ANSWER TO PLAINTIFF'S COMPLAINT AND
AFFIRMATIVE DEFENSES**

Defendant, Devils Lettuce NY, LLC, by and through its attorneys, The Beckage Firm PLLC, hereby responds to Plaintiff's Complaint as follows:

1. In answer to this paragraph, Denied. Defendant does not have knowledge to determine the truth or falsity of this averment.
2. In answer to this paragraph, Admitted.
3. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
4. In answer to this paragraph, Denied. Defendant does not have knowledge to determine the truth or falsity of this averment.
5. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
6. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

7. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

8. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

9. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

10. In answer to this paragraph, Admitted in part and Denied in part. This averment is a legal conclusion to which no responsive pleading is required.

11. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

12. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

13. In answer to this paragraph, Denied. No response is required.

14. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

15. In answer to this paragraph, Denied. After reasonable investigation, Defendant is without knowledge as to the truth or falsity of this averment.

16. In answer to this paragraph, Denied. After reasonable investigation, Defendant is without knowledge as to the truth or falsity of this averment. In addition, the averment is a legal conclusion to which no responsive pleading is required.

17. In answer to this paragraph, Admitted in part and Denied in part. This averment is a legal conclusion to which no responsive pleading is required.

18. In answer to this paragraph, Denied. No response is required.

19. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment.
20. In answer to this paragraph, Denied. No response is required.
21. In answer to this paragraph, Denied. No response is required.
22. In answer to this paragraph, Denied. No response is required.
23. In answer to this paragraph, Denied. No response is required. Additionally, Defendant does not have the knowledge to determine the truth or falsity of this averment.
24. In answer to this paragraph, Denied. No response is required.
25. In answer to this paragraph, Denied. No response is required. Additionally, this averment is a legal conclusion to which no responsive pleading is required.
26. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
27. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
28. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment. Additionally, this averment is a legal conclusion to which no responsive pleading is required.
29. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment.
30. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment. Additionally, this averment is a legal conclusion to which no responsive pleading is required.

31. In answer to this paragraph, Admitted in part and Denied in part. This averment is a legal conclusion to which no responsive pleading is required.

32. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment.

33. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment.

34. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment.

35. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

36. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment. Additionally, this averment is a legal conclusion to which no responsive pleading is required.

37. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

38. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

39. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment. Additionally, no response required.

40. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

41. In answer to this paragraph, Denied. No responsive pleading required.

42. In answer to this paragraph, Denied. No responsive pleading required.

43. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

44. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

45. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required. Additionally, Defendant does not have the knowledge to determine the truth or falsity of this averment.

46. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

47. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

48. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

49. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

50. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

51. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

52. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

53. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

54. In answer to this paragraph, Denied. No responsive pleading required.
55. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
56. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
57. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
58. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
59. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
60. In answer to this paragraph, Denied. No responsive pleading required.
61. In answer to this paragraph, Denied. No responsive pleading required.
62. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
63. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
64. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
65. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
66. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

67. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

68. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

69. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

70. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

71. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

72. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

73. In answer to this paragraph, Denied. No responsive pleading required.

74. In answer to this paragraph, Denied. No responsive pleading required.

75. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

76. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment. Additionally, this averment is a legal conclusion to which no responsive pleading is required.

77. In answer to this paragraph, Admitted in part and Denied in part. This averment is a legal conclusion to which no responsive pleading is required.

78. In answer to this paragraph, Denied. Defendant does not have the knowledge to determine the truth or falsity of this averment.

79. In answer to this paragraph, Denied. No responsive pleading required.
80. In answer to this paragraph, Denied. No responsive pleading required.
81. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
82. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
83. In answer to this paragraph, Denied. No responsive pleading required.
84. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
85. In the answer to this paragraph, Denied.
86. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
87. In this answer to this paragraph, Denied. No responsive pleading required.
88. In the answer to this paragraph, Denied. No responsive pleading required.
89. In the answer to this paragraph, Denied. No responsive pleading required.
90. In the answer to this paragraph, Denied. No responsive pleading required.
91. In the answer to this paragraph, Denied. No responsive pleading required.
- Additionally, Defendant does not have the knowledge to determine the truth or falsity of this statement.
92. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.
93. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

94. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

95. In response to this paragraph, Denied. No responsive pleading required.

96. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

97. In response to this paragraph, Denied. No responsive pleading required.

98. In answer to this paragraph, Denied. This averment is a legal conclusion to which no responsive pleading is required.

99. In response to this paragraph, Denied.

AFFIRMATIVE DEFENSES

Defendant Devils Lettuce NY LLC, by and through its attorneys, The Beckage Firm PLLC, and for its Affirmative Defenses, states as follows:

1. Plaintiff is barred from relief because the Complaint and each of the causes of action set forth therein fail to allege facts sufficient to state a claim for which relief can be sought against the Defendant.
2. Plaintiff's claims fail, in whole or in part, because the allegations of the Complaint are exaggerated, false, and/or inaccurate.
3. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.
4. Plaintiff's claims are barred, in whole or in part, by its own fraud and illegal conduct.
5. Plaintiff lacks the legal capacity or standing to sue.

WHEREFORE, Defendant, Devils Lettuce NY LLC, respectfully requests the Court to grant the following relief:

1. That Plaintiff's Complaint be dismissed with prejudice;
2. That judgment be entered in favor of Defendant on all claims and against Plaintiff;
3. That Defendant be awarded its attorneys' fees and costs; and
4. For such other and further relief as this Court may deem proper.

Dated: Buffalo, New York
November 26, 2024

Respectfully submitted,

THE BECKAGE FIRM

By: /s/ Jennifer A. Beckage
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